

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

CENNOX REACTIVE FIELD SERVICES, LLC)
F/K/A TECNIFLEX LLC)
d/b/a BANCSOURCE)
)
Plaintiff,)
)
)
v.)
)
CASH CLOUD, INC.)
d/b/a Coin Cloud)
)
Defendant.)

Case No. 6:22-cv-03274-RK

**PLAINTIFF CENNOX REACTIVE FIELD SERVICES, LLC'S
MOTION FOR ENTRY OF DEFAULT**

Plaintiff Cennox Reactive Field Services, LLC (“Plaintiff”), moves the Court for an Entry of Default against Defendant Cash Cloud, Inc. (“Defendant”), pursuant to Fed.R.Civ.P. 55(a) for Defendant’s failure to file a responsive pleading within twenty-one (21) days of service. In support of its Motion, Plaintiff states to the Court as follows:

1. On October 21, 2022, Plaintiff filed the above-captioned case. On November 1, 2022, Defendant was served with a summons and copy of Plaintiff’s Verified Complaint by personal service of process. A copy of the proof of service and return of service was filed with this court on November 7, 2022. (See Doc. 4)
2. To date, Defendant has not filed a responsive pleading or otherwise defended the suit.
3. Plaintiff is entitled to Entry of Default under Fed.R.Civ.P. 55(a) for Defendant’s failure to file a responsive pleading.

A. Argument

4. Pursuant to Fed.R.Civ.P. 55(a), the court clerk may make an entry of default against a party upon the party's failure to plead or otherwise defend against a pleading listed in Fed.R.Civ.P.7(a); *see also Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781 (8th Cir. 1998).

5. The court clerk should enter a default against Defendant because Defendant did not file a responsive pleading within 21 days after November 1, 2022, the date of service. FED.R.CIV.P. 12(a)(1)(A)(i) and 55(a). In addition, the clerk should enter a default against Defendant because Defendant did not otherwise defend the suit. FED.R.CIV.P. 55(a).

6. Defendant is not a minor or an incompetent person. FED.R.CIV.P. 55(b)(1).

B. Conclusion

7. Because Defendant was properly served and did not file a responsive pleading or otherwise defend the suit, Plaintiff asks the court clerk to enter a default against Defendant. FED.R.CIV.P. 55(a).

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d/b/a Bancsource**

CERTIFICATE OF SERVICE

I certify that on this 5th day of December, 2022, a true and correct copy of the foregoing was electronically served on all counsel of record via the Court's ECF system.

By: Bryan Wade
Bryan Wade